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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

11

Application Number

10/554,040

Filing Date

10/21/2005

First Named Inventor

Le Devehat

Art Unit

Examiner Name

Attorney Docket Number

FMCE-P138

**ENCLOSURES (Check all that apply)**☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/  
Incomplete Application☐Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☒

Petition

☐Petition to Convert to a  
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board  
of Appeals and Interferences☐Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☐Other Enclosure(s) (please identify  
below):

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Henry C. Query, Jr

Signature

Printed name

Henry C. Query, Jr.

Date

04/26/2007

Reg. No.

35,650

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Henry C. Query, Jr.

Date

04/26/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Le Devehat )

Serial No.: 10/554,040 )

Filed: 10/21/2005 )

For: Discharge Arm Assembly with )  
Guiding Cable )

Group Art Unit:

Examiner:

Henry C. Query, Jr.  
504 S. Pierce Ave.  
Wheaton, IL 60187

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Petition to Withdraw Holding of Abandonment

Applicant hereby petitions the Commissioner under 37 CFR 1.10(e) to consider the executed Declaration for this application as having been filed in the Office on September 25, 2006 and to accordingly withdraw the holding that the present application has been abandoned for failing to file such Declaration.

The holding of abandonment was communicated to applicant in a Notification of Abandonment dated April 2, 2006. The Notification stated that the holding of abandonment was due to a missing executed Declaration. The Office requested the executed Declaration in a Notification of Missing Requirements Under 35 U.S.C. 371 dated July 24, 2006.

However, applicant maintains that the executed Declaration was timely submitted with a Response to Notification of Missing Requirements Under 35

U.S.C. 371, which was filed on September 25, 2006 using the "Express Mail Post Office to Addressee" service of the United States Postal Service.

Pursuant to 37 CFR 1.10(e), therefore, the executed Declaration should be considered as having been filed on September 25, 2006. Moreover, since September 24, 2006 (the last day for responding to the July 24, 2006 Notification of Missing Requirements Under 35 U.S.C. 371) was a Sunday, the filing of the executed Declaration on September 25, 2006 should be considered timely under the provisions of 35 U.S.C. 21 and 37 CFR 1.7.


In support of this Petition, applicant further states as follows:

- (1) Applicant first became aware that the Office has no evidence of the receipt of the executed Declaration upon receiving the April 2, 2007 Notification of Abandonment. Applicant therefore submits that this Petition is being filed promptly after he became aware of these circumstances.
- (2) The number of the "Express Mail" mailing label was placed on the Response to Notification of Missing Requirements Under 35 U.S.C. 371 prior to the original mailing by "Express Mail".
- (3) A copy of the originally filed Response to Notification of Missing Requirements Under 35 U.S.C. 371, including the executed Declaration, showing the number of the "Express Mail" mailing label thereon, and a copy of the "Express Mail" mailing label showing the "date in" (or "Date Accepted") as September 25, 2006 are submitted herewith.
- (4) The undersigned hereby declares that applicant's original Response to Notification of Missing Requirements Under 35 U.S.C. 371 and the executed

Declaration were deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on September 25, 2006. The undersigned further declares that the copies of applicant's original Response to Notification of Missing Requirements Under 35 U.S.C. 371 and the "Express Mail" mailing label submitted herewith are true copies of the original documents.

For the foregoing reasons, applicant requests that the Commissioner withdraw the holding of abandonment in this application.

Respectfully submitted,

  
Henry C. Query, Jr.  
Reg. No. 35,650  
(630) 260-8093

Date: April 26, 2007